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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,159	11/01/2005	Steffen Bjorn Petersen	09663.0061USWO	8924

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

MONSHIPOURI, MARYAM

ART UNIT	PAPER NUMBER
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1656

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/542,159	Applicant(s) PETERSEN ET AL.	
	Examiner Maryam Monshipouri	Art Unit 1656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-87 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 30-87 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 30-38, 51-54, 58-59, drawn to an insoluble support and methods of making and using said products.

Group II, claim(s) 39-50, 51-55 and 58-59, another insoluble support and a method of making and a method of using of said support.

Group III, claim(s) 56-57, drawn to a method of use of insoluble support of Group I for a bio-functional reaction.

Group IV, claim(s) 56-57, drawn to a method of use of insoluble support of Group II for a bio-functional reaction.

Group V, 60-68, 73-78, 80, 82, drawn to a soluble carrier, a method of making and a method of using said product.

Group VI, 69-72, 74, 76-82, drawn to another soluble carrier than Group V soluble carrier, a method of making and a method of using said product.

Group VIII, claims 83-85, a method of delivering a drug to a patient comprising providing the soluble carrier of Group V.

Group IX, claims 83-85, a method of delivering a drug to a patient comprising providing the soluble carrier of Group VI.

Group X, claims 86-87, drawn to a method of predicting whether a protein is being capable of being disrupted to be used in the method of Group IV.

Group XI, claims 86-87, drawn to a method of predicting whether a protein is being capable of being disrupted to be used in the method of Group V.

In addition to inventions listed above Groups I-II inventions are each additionally and independently directed to the following patentably distinct products of unrelated chemical structure and function;

(1) topaz

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- (2) polystyrene
- (3) polyethylene
- (4) polyester
- (6) polyetherimide
- (7) polypropylene
- (8) polycarbonate
- (9) polysulfone
- (10) polymethylmethacrylate
- (11) poly(vinylidene fluoride)
- (12) silicone
- (13) diamond
- (14) quartz
- (15) silica
- (16) silicon
- (17) metal
- (18) nylon
- (19) nitrocellulose
- (20) agarose
- (21) cellulose
- (22) ceramic

Applicant, when electing Groups I-II is advised to simultaneously elect one invention from Groups 1 or II and one invention from Groups 1-22.

Similarly, in addition to inventions listed above, Groups III-IV inventions are each additionally and independently directed to the following patentably distinct products of unrelated chemical structure and function:

- (a) biosensor
- (b) chromatography
- (c) immunodetection
- (d) enzyme assay
- (e) nucleotide binding detection
- (f) protein-protein interaction
- (g) protein modification
- (h) carrier targeting
- (i) protein targeting

Applicant, when electing Groups III-IV is advised to simultaneously elect one invention from Groups III or IV and one invention from Groups (a-i).

Likewise, in addition to inventions listed above, Groups V-VI inventions are each additionally and independently directed to the following patentably distinct products of unrelated chemical structure and function:

- (A) enzyme

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- (B) transcription factor
- (C) protein domain
- (D) binding protein
- (E) antigen
- (F) immunoglobulin

Applicant, when electing Groups V-VI is advised to simultaneously elect one invention from Groups V-VI and one invention from Groups A-F.

The inventions listed as Groups I-XI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The insoluble support of Group I, the insoluble support of Group II, the soluble support of Group V, the soluble support of Group VI lack a special technical feature each relative to the other because each technical feature has an unrelated chemical structure and function. Each couple of (Groups I vs Group III) and (Groups II vs Group IV), share a common technical feature namely the insoluble support but said inventions are not required to be rejoined under PCT Rule 13.1 because Groups I and II already have a method of use of each of said insoluble carriers.

Similarly, Groups V, VIII and X share a special technical feature but said inventions are not required to be rejoined under PCT Rule 13.1 because Group V invention already has a method of use of a soluble carrier.

Likewise, Groups VI, IX and XI share a special technical feature but said inventions are not required to be rejoined under PCT Rule 13.1 because Group VI invention already has a method of use of a soluble carrier.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maryam Monshipouri whose telephone number is (571) 272-0932. The examiner can normally be reached on 7:00 a.m to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleene Kerr Bragdon can be reached on (571) 272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Maryam Monshipouri Ph.D.

Primary Examiner